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Supreme Court, U.S.
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IN THE
SUPREME COURT OF THE UNITED STATES

In Re: Isidoro Rodriguez, Esq.,

Petitioner.

On Petition For Writ of Certiorari
to the United States Court of Appeals for the
District of Columbia Circuit

PETITION FOR WRIT OF CERTIORARI

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In retaliation for Isidoro Rodriguez ("Rodriguez") petitioning Congress, the General Assembly of VA, and law enforcement for an inquiry into the malfeasance of obstructing his substantive Federal statutory rights as a father, and litigating for damages, Beltway Lobbyist/Attorney Eric Holder and Rodriguez's former client filed fraudulent bar complaints with the Virginia State Bar Disciplinary Board ("VSBDB"). In violation of the limited administrative authority granted to the Virginia State Bar by the General Assembly, the attorney discipline system created by the General Assembly under Va. Code, and Rodriguez's statutory rights, the VSBDB issued a *void* order in November 2006 revoking Rodriguez' license for litigating to enforce his statutory rights against the government and his former client. The Supreme Court of Virginia affirmed the *void* order, and this Court denied cert in 2007. On June 3, 2009, the U.S. Court of Appeals for the District of Columbia Circuit, after a hearing disbarred Rodriguez based on the VSBDB *void* order.

QUESTIONS PRESENTED FOR REVIEW

I. Whether the *Void* Order Doctrine under *Marbury v. Madison*, 1 Cranch 137 (1803), and *Pennoyer v. Neff*, 95 US 714 (1877), prohibit disbarring Rodriguez based on the VSBDB's *void* order?

II. Whether Rodriguez has been denied of his right to substantive and procedural due process in accordance the holding of *Selling v. Redford*, 243 U.S. 46 (1917), and, *Theard v. United States*, 354 U.S. 278 (1957), by denying impartial Fed

eral judicial review of the VSBDB *void* order?

III. Whether the District of Columbia Circuit violated 18 U.S.C. §§ 4, 241, 242, and 1513, by concealing and not informing law enforcement of the issuance and enforcement of the VSBDB *void* order to deprive Rodriguez of his right to employment as an independent federal civil litigator, as well as violated 18 U.S.C. § 3771, by refusing to protect Rodriguez?

PARTY TO THE PROCEEDINGS

The caption of the case does contain the name of the only party, who is not a corporation.

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CITATIONS TO OPINIONS BELOW

The *void* Disbarment Orders of the U. S. Court of Appeals for the District Circuit ("D.C. Circuit"), and of the Panel are reproduced respectively at A–1 and A-2. The *void* order of the Virginia State Bar Disciplinary Board ("VSBDB") is reproduced at A-4.

STATEMENT OF JURISDICTION

The *void* order of the D.C. Circuit denying *en banc* rehearing of the Panel's *void* order was entered on June 3, 2009. The jurisdiction of this Court is invoked pursuant 28 U.S.C. §§1254(1) and 2072.

STATEMENT REQUIRED BY RULE 29.4

Pursuant to 28 U.S.C. § 2403(a) and (b), as well as 18 U.S.C. § 4, and Va. Code §§ 18.2-482, the Court is informed that this Petition has been served upon the Solicitor General of the United States and the Attorney General of the Commonwealth of Virginia.

CONSTITUTIONS, FEDERAL AND VIRGINIA STATUTES INVOLVED ARE IN THE ADDENDUM

STATEMENT OF THE CASE

A. Preliminary Statement

Court records confirms that attorneys in DOJ,[3]

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[3] *See* Criminal Complaints filed with Federal law enforcement on August 10, 2009, in Va., D.C., NY, CO, and PA, at

the VSBDB, and the Office of the Attorney General of Virginia, Jane and John Doe conspired with Beltway Lobbyist/Attorney Eric Holder to file a fraudulent bar complaint against Rodriguez, issue the VSBDB's *void* order disbarring Rodriguez for exercising his federal rights, and for judges in both Federal and Virginia courts deny Rodriguez access to impartial judicial review of the VSBDB *void* order to cover-up treason.[4]

The objective of the criminal conspiracy was to punish Rodriguez by depriving him of his business, profession, and right to employment as an independent federal civil litigator,[5] in retaliation for:

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http://home.earthlink.net/~malfesance).

[4] *See* A-32, and at http://home.earthlink.net/~treason/·· Rodriguez's Virginia Criminal Complaint against Bob McDonnell *et al.* for Treason, Obstruction of Justice, and Misprision of a Felony filed on July 7, 2009.

[5] Rodriguez has an extensive civil litigation record against the United States Department of Justice ("DOJ") for violation of the statutory rights of U.S. citizens, resident and nonresident Hispanics. *See Martinez v. Lamagno and DEA*, 515 U.S. 417 (1995)(DOJ surreally argued that a DEA agent outside of the US was not negligent for causing a car accident while driving drunk and having sex); *Organization JD Ltda. v. Assist U.S. Attorney Arthur P. Hui and DOJ*, 2nd Cir. No. 93-6019 and 96-6145; and, *Lopez v. First Union*, 129 F3rd. 1186 (11th Cir. 1997)(Banks and DOJ liable for unlawful interception of wire communication and access to account information without a warrant); *Cooperative Multiactive de Empeados de Distribuidores de Drogas (Coopservir Ltda." v. Newcomb, et al.*, D.C. Cir. No 99-5190, S Ct. No 99-1893 (DOJ's issuance of bill of attainder under War Powers Act against Hispanics U.S. citizens and nonresidents).

(i) Rodriguez litigating for damages under the Federal and Virginia Tort Claims Act, and the Racketeer Influenced and Corrupt Organizations Act ("RICO"), 18 U.S.C. §1961 *et seq.*, for the violation of 18 U.S.C. § 1204 (Add-3), by the government's obstruction of his federal statutory rights as a father to compel the securing of visitations with his Son pursuant to *Article* 21 of the Hague Convention on the Civil Aspects of International Child Abduction, Oct. 25, 1980 ("Treaty"), the International Child Abduction Remedies Act, 42 U.S.C. § 11601(a) & § 11602(1) and (7); Congressional Joint Concurrent Resolution 293, May 23, 2000; and, the Uniform Child Custody Jurisdiction and Enforcement Act ("UCCJEA") VA Code § 20-146.01 *et seq. See Canter v. Cohen*, 442 F.3d 196 (4th Cir, March 2006);[6]

(ii) Rodriguez petitioning Congress, the General Assembly of Virginia ("General Assembly"), and law enforcement for an investigation of the criminal violation 18 U.S.C. §§ 4 and 1204 (Add-2) by the government's obstruction of his rights as a father.; and,

(iii) Rodriguez opposing the confirmation of John G. Roberts as Chief Justice for making false statement to Congress violation of 18 U.S.C. §§ 4, 1001 and 1204, by as to Rodriguez's Federal Tort and civil RICO action for damages for the obstruction of his rights as a father.

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[6]In *Isidoro Rodriguez, Esq. and Isidoro Rodriguez-Hazbun v. NCMEC, et al.*, D.C. No. 03-0120 (Roberts, J.)("*Rodriguez I*"), District Judge Roberts conspired with DOJ *et al.*, to stay for more than twenty-six (26) months the compelling of compliance with the Treaty and Va. UCCJEA, to deny access to an impartial jury trial and court by summary dismissal of tort and civil RICO action.

B. Proceedings before the VSBDB

In 2003, DOJ's independent contractor, the National Center for Missing and Exploited Children, acting as an instrumentality of DOJ, retained Beltway attorneys/lobbyists Mr. Eric Holder, Ms. D. Jean Veta, and Covington & Burling LLP, Ms. Susan Brinkerhoff, and Proskauer Rose LLP ("Holder *et al.*"), from the District of Columbia mailed to the VSBDB a fraudulent bar complaint against Rodriguez for litigating to enforce his rights as a father under the Treaty and Va. UCCJEA (A-12). Also, Holder *et al.* conspired by use of the mail and wire communication with Rodriguez's former client for them also to file a fraudulent bar complaint for Rodriguez litigating to enforce his perfected statutory property right under Va. Code § 54.1-3932 in his Virginia Attorneys Lien on approx. $3 to $10 Billion *treasure troves* sunk off the coast of the Republic of Colombia (A-4).

On November 28, 2006, based on the fraudulent bar complaints filed for litigating to enforce his statutory rights the VSBDB issued a *void* order revoking Rodriguez' license to practice law in Virginia (A-4). The VSBDB posted the *void* order on the Internet and mailed it to federal courts in and outside of Virginia. The VSBDB *void* order was affirmed by the S. Ct. Va. on June 28, 2007. This Court denied a petition for certiorari, *Isidoro Rodriguez, Esq. v. Supreme Court of Virginia et al.*, (S. Ct. No. 07-419, Nov. 2, 2007).

C. Proceedings before the D.C. Circuit

On December 18, 2006, Rodriguez gave notice of

the VSBDB *void* order to all of the federal courts to which he was a member to request a show cause hearing, and to seek their protection as a victim pursuant to 18 U.S.C. § 3771 (Add-6).

Subsequently on June 17, 2007, based on the evidence of the obstruction of his rights as a father and the interstate criminal conspiracy of the D.C. Ct. of App. Committee on Admissions ("Committee") to enforce the VSBDB *void* order to deprive Rodriguez of his right to a public hearing on his waver application and right to employment in D.C., a second civil RICO action was filed in the U.S. District Court for the District of Columbia for damages for the conspiracy to punish him for exercising his Federal and Virginia statutory rights. *Isidoro Rodriguez, Esq. v. Editor-in-Chief, Legal Times, et al.*, DC Dist Ct. No 07-cv-0975 (Friedman, J.) *(Rodriguez II)*; DC Ct. Of App. No. 07-5234; cert denied Docket No. 08-411. *See also* denial of Writ of Mandamus pursuant to 18 U.S.C. §§ 4 and 3771, Docket No 08-339.[7]

An Order to Show Cause was issued by the D.C. Circuit on June 18, 2008. After Rodriguez filed his opposition to the imposition of any discipline based on

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[7]District Judge Paul L. Friedman summarily dismissed this action by: (i) holding lack of venue in D.C.--despite Holder *et al.* and the Committee acted from D.C.; and, (ii) holding absolutely ministerial and judicial immune from suit for tortious and criminal acts. On appeal the Special Panel selected by Defendant John G. Roberts refused pursuant to 18 U.S.C. § 3771(d), to protect Rodriguez as a victim of the violations of 18 U.S.C. §§ 241, 242, and 1513, and denied him of the right to seek *En Banc* consideration of their order.

the VSBDB *void* order, oral argument was held on April 7, 2009. The Panel's Order of Disbarment was issued on April 21, 2009 (A-2). The Petition for Rehearing *En Banc* was denied on June 3, 2009 (A-1).

REASONS FOR GRANTING THE WRIT OF CERTIORARI

Rodriguez calls for the exercise of this Court's power of supervision over the D.C. Circuit to vacate their *void* order of disbarment because it is a far departure, if not the total disregard of the federal court's oath and duty to provide impartial judicial review of the VSBDB *void* order issued in violation of Rodriguez's federal statutory rights and Va. Code §§ 18.2-482, as mandated by the *Void* Order Doctrine under *Marbury v. Madison*, 1 Cranch 137 (1803), and *Pennoyer v. Neff*, 95 US 714 (1877), as well as *Selling v. Redford*, 243 U.S. 46 (1917), *Theard v. United States*, 354 U.S. 278 (1957), the Rules Enabling Act 28 U.S.C. § 2072(b)("Rules Enabling Act"), and FRAP Rule 46.

I. VIOLATION OF THE VOID ORDER DOCTRINE BY THE D.C. CIRCUIT.

Based on the evidence of violation of Art. VI, § 1, § 5, and § 7 of the Virginia Constitution, Va. Code §§ 18.2-481(5), 2-482, 499, 54.1-3910, 3915, and 3935, as well as 18 U.S.C. §§ 201, 241, 242, 1341, 1343, 1513, 1951, and 1962, the essential issue before this Court-pursuant to its duty to provide impartial judicial review under the *Void* Order Doctrine-is to determine whether there has been a violation of Rodriguez's right to substantive and procedural *due process*, which

prohibit the D.C. Circuit from giving reciprocal effect to the VSBDB *void* order.

A. The *Void* Order Doctrine in Federal Courts.

As explained by Chief Justice Marshall in *Marbury v. Madison*, 1 Crunch 137, 140 (1803), a legislative act or judicial order which is"repugnant to the constitution is *void*."

In a brilliant display of deductive logic the Chief Justice stated that impartial judicial review is a constitutional imperative pursuant to the fundamental principles of our constitutional system giving limited authority to both Federal and Virginia governments: first, that the people had united to establish a limited government; second, that they organized it into three departments and assigned certain powers to each, while at the same time setting limits to the exercise of those powers; and, third, these limits were expressed in a written constitution, which would be a useless document "if these limits may, at any time, be passed by those intended to be restrained." *Id.* at 140.[8]

Later this Court held that an *invalid* and *void* order can be attacked in any proceeding where they come into issue. *Pennoyer v. Neff*, 95 US 714 (1877); and, *Jordon v. Gilligan*, 500 F.2d 701, 710 (6th Cir.

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[8]As Federalist 47, states the Virginia's Constitution declares, "that the legislative, executive, and judicial departments, shall be separate and distinct; so that neither exercise powers properly belonging to the other. . . ." Washington Square Press, p 109.

1974)("a void judgment is no judgment at all and is without legal effect") (Emphases added).

Consistent with recently this Court in *Nguyen v. United States*, 539 U.S. 69 (2003), held that any decision of an improperly constituted judicial body must be vacated, i.e. judicial authority cannot be delegated (*Judici officium sum excedenti non paretur*, **"To a judge who exceeds his office or jurisdiction no obedience is due").**[9]

In *Nguyen*, *supra*, this Court assessed a series of judgments rendered by a federal appellate court panel on which a "non Article III judge" served. *Id.* at 69. Vacating this group of judgments, this Court reasoned that an appellate panel that included a non-Article III judge proved an "impermissible" and "unauthorized" decisional body, one that necessarily conflicted with a **"strong policy concerning the proper administration of judicial business."** *Nguyen* at 81. Because the "validity" of the relevant judicial body was fundamentally flawed, and because this "plain defect" was incurable, *Nguyen* explained, the decisions reached by that body must be vacated. *Nguyen* at 83.

B. The *Void* Order Doctrine in Virginia.

In Virginia, as in the federal courts, "[a] *void*

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[9]As early as *The Case of the Marshalsea*, 77 Eng. Rep. 1027, 1038-41 (K.B. 1613), Sir Edward Coke found that judges cannot act outside of their jurisdiction/judicial capacity, and if they did their order would be both *void*, and a cause of action.

judgment is one that has been . . . entered by a court that did not have jurisdiction over the subject matter." *Rook v. Rook*, 233 V. 92, 353 S.E2d 756, 758 (1987)(Emphasis added).

As explained in *Nelson v. Warden*, 262 Va. 276, 552 S.E.2d 73 (2001),

> Subject matter jurisdiction is granted by constitution or statute, it cannot be waived, and any judgment rendered without it is *void ab initio.* Lack of subject matter jurisdiction may be raised at any time, in any manner, before any court, or by the court itself.

Regarding the VSBDB *void* order, under Article VI § 1 and § 7 of the Constitution of Virginia the General Assembly has the exclusive power and authority to establish and give subject matter jurisdiction to "courts of records" and appoint judges in Virginia.

Also, in Virginia the jurisdiction and judicial power to revoke an attorney's license is controlled exclusively by the General Assembly. As explained in *Legal Club of Lynchburg v. A.H. Light*, 137 Va. 249, 119 S.E. 55 (1923),

> Independent of statutory authority, all courts of record in Virginia have inherent power in a proper case to suspend or annul the license of an attorney practicing in the particular court which pronounces the sentence of disbarment. **The power to go further and make suspension or revocation of license effective in all other court**

of the Commonwealth must be conferred by statute. *Fisher's Case, 6 Leigh* (33 Va.) 619. (Emphases added).

The General Assembly enacted Va. Code § 54.1-3935, to establish the exclusive procedure for attorney discipline beyond the limits of the *Fisher's Case, supra.*, When Has the Supreme Court of Appeals Original Jurisdiction of Disbarment Proceedings? R.H.C. Virginia Law Review, Vol. 10, No. 3 (Jan. 1924), pp. 246-248.[10]

Under Va. Code § 54.1-3910 and 3935, the General Assembly gave to the Virginia State Bar limited administrative authority only to aid a court of record upon request by conducting investigation and

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[10] Va. Code § 54.1-3935(A). Procedure for revocation of license- A. If the Supreme Court, the Court of Appeals, or any circuit court of this Commonwealth observes, or if a complaint, verified by affidavit is made by any person to such court, that any attorney has . . . violated the Virginia Code of Professional Responsibility, the court may assign the matter to the Virginia State Bar for investigation. Upon receipt of the report of the Virginia State Bar, the court may issue a rule against such attorney to show cause why his license to practice law shall not be revoked. If the complaint, verified by affidavit, is made by a district committee of the Virginia State Bar, the court shall issue a rule against the attorney to show cause why his license to practice law shall not be revoked.

A. If the rule [to show cause] is issued by the Supreme Court . . . the rule shall be returnable to the Circuit Court of the City of Richmond. At the time the rule is issued by the Supreme Court, the Chief Justice shall designate three circuit court judges to hear and decide the case. . . . In proceedings under this section, the court shall adopt the Rules and Procedures described in Part Six, Section IV, Paragraph 13 of the Rules of Court.

prosecution of a bar complaint filed with the court. *See Goldfarb v. Virginia State Bar*, 421 U.S. 773 (1975), at footnote 2.

Article VI, § 5 of the Constitution of Virginia, and VA. Code § 54.1-3915, the Supreme Court of Virginia has neither authority to delegate judicial power to the VSBDB nor the power to create an attorney disciplinary system in violation of that established by the General Assembly under Va. Code § 54.1-3935.

A rule of the Supreme Court of Virginia cannot usurp this exclusive legislative power to create a court, appoint judges, and establish an attorney disciplinary system.[11]

Consequently, because the VSBDB was never created by the General Assembly as any part of the attorney disciplinary system under Va. Code § 54.1-3935, it has neither the jurisdiction as "court," nor judicial power of a "judge," to conduct any attorney disciplinary proceedings.[12] Also, even the three judge panel created by Supreme Court of Virginia is a violation of Va. Code § 54.1-3935(B), and is without juris-

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[11]In Virginia it is "well recognized rule of construction that if a Rule of the Supreme Court [of Virginia] is at variance with a statutory enactment, the terms of the statute must prevail." 1996 Va. AG 23, at page 2.

[12]*See, N. Pipeline Constr. Co. v. Marathon Pipe Line Co.*, 458 U.S. 50, 83-85 (1982) (holding that delegation to adjunct bankruptcy judges of powers beyond those conferred to non-Article III judges rendered an entire administrative scheme unconstitutional).

diction to revoke an attorney's license outside of Richmond, Va.

In total disregard of the Va. Constitution, Va. Code, and Federal and Virginia case law, the D.C. Circuit disbarred Rodriguez by giving reciprocal effect to the VSBDB *void* order thereby transforming the *void* order into a valid order. But, this act of the D.C. Circuit is itself a violation of the *Void* Order Doctrine. As explained in *Morrison v. Bestler,* 239 Va. 166, 167-170, 387 S.E.2d 753 (1990),

> The term jurisdiction embraces . . . subject matter jurisdiction, which is the authority granted by the constitution or statute to adjudicate a class of cases or controversies. . . .While a court always has jurisdiction to determine whether it has subject matter jurisdiction, a judgment on the merits made without subject matter jurisdiction is null and void. *Barnes v. American Fert. Co.*, 144 Va. 692, 705, 130 S.E. 902, 906 (1925). **Likewise, any subsequent proceeding based on such a defective judgment is void or a nullity.** *Ferry Co. v. Commonwealth,* 196 Va. 428, 432, 83 S.E.2d 782, 784 (1954). (Emphasis added).

Consequently, neither the Supreme Court of Virginia, nor the D.C. Circuit, nor this Court can transform the VSBDB *void* order into as valid one in violation of the *Void* Order Doctrine and the mandate under *Marbury v. Madison*, 1 Cranch 137 (1803), and *Pennoyer v. Neff,* 95 US 714 (1877).

II. THE *VOID* ORDER DOCTRINE AND THE STANDARD OF *SELLING* AND *THEARD.*

The genes of the *Void* Order Doctrine is rooted in the concern for *due process* concerns. This is because the general definition of *due process* is, "**the right to a fair hearing before a tribunal with the power to decide the case.**" Bryan A. Garner, Black's Law Dictionary, at page 538 (8th ed. 1999). (Emphasis added).[13]

Also, the Court held that: "Disbarment, designed to protect the public, is a punishment or penalty imposed. . . .[Thus, t]hese are adversary proceedings of a quasi-criminal nature." *In re Ruffalo*, 390 U.S. 544, 550-551 (1968). Accordingly, compliance with the requirement of both substantive and procedural *due process* attach to not only the VSBDB, but too the proceeding before the D.C. Circuit and this Court.

Therefore, pursuant to the *Void* Order Doctrine in Virginia, as well as in Federal court given that the order of the VSBDB is contrary to the Virginia constitution and Va. Code, its order is *void* in its entirety and inoperative as if it had no existence from the time of its issuance it can be attacked in the show cause proceeding before the D.C. Circuit. *Pennoyer v. Neff*, 95 US 714 (1877), *seel also Jordon v. Gilligan*, 500 F.2d 701,

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[13]Chief Justice Marshall in *Ex parte Burr*, 9 Wheat. 529 at 532, announced that federal judicial review will interpose itself in State disbarment proceedings when they are "**irregularity in the mode of proceeding.**" *See also, Ex parte Secombe*, 19 How. 9; *Ex parte Bradley*, 7 Wall. 364; and, *Thatcher v. United States*, 212 F. 801, 804.

710 (6th Cir. 1974)("a void judgment is no judgment at all and is without legal effect") (Emphases added).

Thus, it would be a violation of the constitutional protections of *due process*, for the D.C. Circuit to transform the VSBDB *void* order into a valid judgment rendered by a court with judicial authority and jurisdiction. *See* Restatements, Judgments § 4(b); *See also*, *Earle v. McVeigh*, 91US 503, 23 L Ed 398 (1999).[14]

This is confirmed by the holding in *Selling v. Redford*, 243 U.S. 46 (1917), which states that solely by the action of "a court" with jurisdiction may one who has secured admission in a federal court be disbarred from practicing before it or any Federal Court.[15]

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[14] The Court held that the standard in determining if a violation of *due process* has occurred is, "to see whether this process conflicts with any of the [Constitutional] provisions. If not found to be so, we must look to those statute law . . . ." *Murray's Lessee v. Hoboken and Improvement Co.*, 18 How (59 U.S.) 272, 276-277 (1856).

[15] The federal court is to assure that the state proceeding was: first, not "wanting in *due process*," by a lack of "notice and opportunity to be heard"; second, that there not an "infirmity of proof to established the want of fair private and professional character as to give rise to a clear conviction on our part that we could not, consistently with our duty, accept as final the conclusion on that subject," or third, "that some other grave reason existed which should convince us that to allow the natural consequences of the judgment to have their effect would conflict with the duty which rests upon us not to disbar except upon the conviction that, under the principles of right and justice, we were constrained so to do." *Id.* At 51.

Furthermore, in *Theard v. United States*, 354 U.S. 278 (1957), the Court held that while a lawyer is admitted into a federal court by way of a state court, he is not automatically sent out of the federal court by the same route, and, the "principles of right and justice" require a federal court not to enforce automatic disbarment of a lawyer unless the standards defined in *Selling*, *supra*, followed.[16]

In total disregard of controlling law, the D.C. Circuit gave reciprocal effect to the VSBDB *void* order despite the evidence: first, that the VSBDB *was* not a "court" with jurisdiction, but by an entity created as part of an unauthorized attorney disciplinary system in violation of Article VI § 1, § 5, and § 7 of the Constitution of Virginia, and Va. Code §§ 54.1-3910,3915, and 3935; second, the VSBDB *void* order was issued based on *Holder et al.'s* fraudulent bar complaint filed against Rodriguez for petitioning Congress,[17] and litigating for

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[16]In *In re Disbarment of Isserman*, 345 U.S. 286 at 288, 73 S.Ct. 676, 97 L.Ed. 1013 (1953), the Court reconfirmed that disbarment by a state does not automatically disbar members of a Federal bar. Also, in *Schware v. Board of Bar Examiners of New Mexico*, 353 U.S. 232, 239, 77 S.Ct. 752, 1 L.Ed.2d 796 (1957), the Court went on to hold at footnote 5, "[w]e need not enter into a discussion whether the practice of law is a "right" or 'privilege.' Regardless of how the State's grant of permission to engage in this occupation is characterized, it is sufficient to say that a person cannot be prevented from practicing except for valid reasons. **Certainly the practice of law is not a matter of the State's grace.**" *Ex parte Garland*, 4 Wall. 333, 379 (Emphasis added).

[17]In *McDonald v. Smith*, 472 U.S. 479, 486 (1985), the Court recognized that the right to petition Congress requires stringent protection. "The very idea of a government, republican

damages for the malfeasance.

Consequently, the D.C. Circuit's order failed to comply with FRAP 46 in determining that the VSBDB was to be given reciprocal effect, and amounts to judicial fiat contrary to both the Federal and Virginia Constitution. The D.C. Circuit's order is itself *void* and an invalid order, *Kole v. City of Chesapeake*, 439 S.E.2d 405, 408-09 (Va. 1994).

III. THERE IS NO PROOF THAT RODRIGUEZ IS GUILTY OF ANY MISCONDUCT TO PERMIT DISBARMENT BY THE D.C. CIRCUIT.

At the outset, it is important to underscore that during Rodriguez's litigation to enforce his statutory rights no court declared his actions as either frivolous or abusive.[18]

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in form, implies a right on the part of its citizens to meet peaceably for consultation in respect to public affairs and to petition for a redress of grievances." *United States v. Cruikshank*, 2 Otto 542, 92 U.S. 542, 552, 23 L.Ed. 588 (1876). The right to petition is "among the most precious of the liberties guaranteed by the Bill of Rights," *Mine Workers v. Illinois Bar Assn.*, 389 U.S. 217, 222, 88 S.Ct. 353, 356, 19 L.Ed.2d 426 (1967), and except in the most extreme circumstances citizens cannot be punished for exercising this right "without violating those fundamental principles of liberty and justice which lie at the base of all civil and political institutions," *De Jonge v. Oregon*, 299 U.S. 353, 364, 57 S.Ct. 255, 260, 81 L.Ed. 278 (1937).

[18]Part 6, § IV, ¶ 13 (G)(1)(a)(1) and (5) of the Rules of the S. Ct. Va. specifically prohibit the VSBDB from even investigating the actions of an attorney which are in compliance with and "protected by superseding law."

Thus, there is no proof of misconduct for which the D.C. Circuit could have legally based its revoking Rodriguez right to practice before this Federal court.

Despite these prohibition, the D.C. Circuit gave reciprocal effect to the VSBDB *void* order issued to deprive and punished Rodriguez for litigating to enforce his substantive statutory rights as a father under Treaty and Va. UCCJEA, and to enforce his property rights in his perfected statutory Virginia Attorney's Lien (A-4 and A-13).

IV. VIOLATION OF THE RULES ENABLING ACT BY THE D.C. CIRCUIT.

To place some control on the Judicial Branch's violation of the rights of citizens, Congress "flex[ed] its legislative muscle in the procedural rule making arena," by passing the Rules Enabling Act, 28 U.S.C. § 2072 (1982). Linda S. Mullenix, Judicial Power and the Rules Enabling Act, 46 Mercer L. Rev. 733, 735 (1995); *see also* Linda S. Mullenix, Hope Over Experience: Mandatory Informal Discovery and the Politics of Rule Making, 69 N.C. L. Rev. 795, 798-800 (1991) (discussing "enhanced public participation and scrutiny . . . [in] judicial rule formation").

The Court has held that the Federal Rules of Appellate procedure must be interpreted in keeping with the Rules Enabling Act, which prohibit said Rules from abridging or modifying Rodriguez's substantive statutory rights under both Federal and Virginia civil and criminal code. *Amchem Products, Inc. v. Winsor*,

117 S.Ct. 2231, 2244 (1997).[19]

In the instant action the evidence is that D.C. Circuit violated this prohibition by giving reciprocal effect to the VSBDB *void* order which has punished Rodriguez for exercising his substantive federal rights to: first, petition the General Assembly and Congress for an investigation and litigating to enforce his statutory rights (A-13). Thus, there has been a violation of the express prohibition of Congress under the Rules Enabling Act.

V. EGREGIOUS CRIMINAL TRESPASSING UPON RODRIGUEZ' FEDERAL RIGHTS.

The D.C. Circuit has permitted the depriving of Rodriguez's substantive rights under the U.S. and Virginia Constitutions, federal statute, and the Code of Virginia, by giving reciprocal effect to the VSBDB *void* order, and by refusing to protect Rodriguez from a criminal conspiracy to deny access to an impartial civil jury trial,[20] and court to litigate his accusation of mal-

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[19]**RULES ENABLING ACT--28 U.S.C. § 2072**(a) The Supreme Court shall have the power to prescribe general rules of practice and procedure . . . in the United States . . . courts of appeal. (b) Such rules shall not abridge, enlarge, or modify any substantive right. . . .

[20] In 1789, Thomas Jefferson wrote in a letter to Thomas Paine: "I consider trial by jury as the only anchor ever yet imagined by men, by which the government can be held to the principles of its constitution." Jefferson saw trial by jury as the greatest power that the people have, and the only way the people had to person

feasance actionable under both tort law and civil RICO[21]

These acts of malfeasance are detailed in Rodriguez's Virginia criminal Complaint (A-32), and his five Federal criminal complaints allege on going violations of 18 U.S.C. §§ 4, 201, 241, 242, 1341, 1343, 1513, 1951, and the Racketeer Influenced and Corrupt Organizations Act ("RICO") – 18 U.S.C. §1962(c) and (d), as well as Va. Code § 18.2-481(5), 2-482, and, 499. A review of just four of these criminal statutes confirm the following:

First, Conspiracy Against Rights, 18 U.S.C. § 241,[22] made it unlawful for the Federal and Virginia government attorneys and judges to conspire with Beltway lobbyists/ attorneys *Holder et al.,* to agree together to injure Rodriguez in Virginia in retaliation for the free exercise or enjoyment, or having exercised his right or privilege as a father and independent federal civil litigator secured to him by the Constitu

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ally and directly prevent government employees from flagrantly ignoring constitutional restraints and oppressing the people with excessive and often ridiculous laws and regulations i.e. like the VSBDB usurping judicial authority to issue *void* order against Rodriguez for exercising his federal rights.

[21]"The oppression and tyrannical partiality of judges, justices, and other magistrates, in the administration and under the colour of their office [could be prosecuted] either by impeachment in parliament, or by information in the court of king's bench." 4 Blackstone, Commentaries 140-41.

[22]United States Department of Justice website, http://www.usdoj.gov/crt/crim/241fin.php (Visited July 29, 2009).

tion, Treaty and Federal statutes.

Although Section 241 does not require that one of the conspirators commit an overt act prior to the conspiracy becoming a crime-here the overt act has been the obstruction of Rodriguez rights as a father and attorney by the issuance of the VSBDB *void* order, and the denial of access to an impartial jury trial and court to stop the malfeasance.

Second, 18 U.S.C. § 242, makes it a crime for the Federal and Virginia government attorneys and judges, and Beltway lobbyists/attorneys (i.e. Virginia Bar Associations), acting under color of any law to willfully deprive Rodriguez of his rights as a father and attorney or privilege protected by the Constitution or laws of the United States-based on giving effect to the VSBDB *void* order.[23]

The Sixth Circuit held that, "[*United States v. Screws* established] that once a due process right has been defined and made specific by court decisions, the right is encompassed by § 242." *United States v. Lanier*, 33 F.3d 639, 1994 C06 40712, ¶ 69 (6th Cir. 1994). The *Lanier* court made it clear that the judge didn't have to be thinking in constitutional terms; thus, if a judge signed an order depriving a litigant of his rights with knowledge of its effects, he has earned a vacation in 'Club Fed.'

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[23] United States Department of Justice website visited August 20, 2009, http://www.usdoj.gov/crt/crim/242fin.htm.

Third, 18 U.S.C. § 1513, makes it a crime for Federal and Virginia government attorneys and judges, as well as Beltway Lobbyists/Attorneys to conspire to retaliate and interference with the Rodriguez right to lawful employment as an independent federal civil litigator for providing to a law enforcement officer information relating to the commission of the Federal offense. http://www.liamsdad.org/others/isidoro.shtml.

Fourth, 18 U.S.C. §4, Misprision of a Felony, made it a crime for the D.C. Circuit having evidence and knowledge of the criminal conspiracy, to both conceal and fail to advise law enforcement to investigate, arrest, indict, and prosecute.[24]

Rather, in total disregard of the above prohibition and the evidence in the record confirming that the VSBDB's *void* order has been the linchpin of the criminal conspiracy to punish and silence Rodriguez for being an independent federal civil rights litigation, the D.C. Circuit gave reciprocal effect to the VSBDB *void* order.

Stated another way, pursuant to 18 U.S.C. §§ 4, 241, 242, and 1315, the D.C. Circuit is prohibited from giving reciprocal effect to the VSBDB *void* order issued as part of a conspiracy to punish Rodriguez for repairing to federal courts to enforce his Federal statutory rights as a parent and attorney, because, a "right . . . granted by Congress and cannot be taken

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[24] *See* A-32. Va. Code§ 18.2-481(5), makes it a crime for a court to, "[r]esisting the execution of the laws under color of its authority." (Emphasis added).

away by the State." (Emphasis added). *Donovan v. City of Dallas,* 377 U.S. 408, 413 (1964).

Also, in *Cohens v. Virginia*, 19 U.S. 264, 6 Wheat. 264, 404 (1821), this Court stated:

> "The judiciary cannot, . . . decline the exercise of jurisdiction which is given, than to usurp that which is not given. The one or the other would be treason to the constitution."

Thus, although the Judiciary Act of 1925 (43 Stat. 936), delegated to the U.S. Supreme Court the authority of "discretionary appellate jurisdiction," it did not give it authority to violate the Constitution and federal statutes.

However, the evidence in court records,[25] establish that since 2003 the Court under the stewardship of Chief Justice Rehnquist and Roberts, has undertaken a pattern and practice to either negligently or crimin·ally abuse its discretion by

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[25]The 3rd and 4th Circuit were allowed by this Court to also assume away the *Void* Order Doctrine, by denying Cert., thereby permitting the granting of reciprocal affect to the VSBDB *void* order. *See In the Matter of Isidoro Rodriguez,* S.Ct Docket No. 08-942, filed January 18, 2009, cert denied, May 17, 2009. *See also,* Motion for Injunction to Third Circuit denied U.S. Sup. Ct. Docket No. 08A858 (May 4, 2009), and Petition for Certiorari to Third Circuit, denied Docket No. 08-1121(May 18, 2009). *See also, Rodriguez v. Hassell, et al.*, Docket Nos. 0714, and 08-574; and Docket Nos. 03-971,05-545, 05-1059, 05-5130, 05-5202, 07A142, 07A370, 07-419, 07A601, 08-339, 08A399, 08-411, 08-574, 08A838, 08-942.

permitting noncompliance with Rodriguez rights under the Treaty and Va UCCJEA, and by fostering the atmosphere of permitting DOJ *et al.,* to retaliate against Rodriguez as a victim of the on going interstate federal criminal conspiracy to punish him for exercising his federal statutory rights.[26]

There are only a few explanations for this, and all of them are bad.

Bottom line, in the instant action judges have committed a felony by obstructing Rodriguez' rights as a father, by issuing and enforcing the VSBDB *void* order to deprive him of his right to employment as an independent federal litigator, and deny him access to an impartial jury trial and court–and their colleagues looked the other way.

While no judge should ever be subjected to a criminal Complaint for an honest mistake, the evidence presented cannot possibly be so characterized. The

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[26]In perhaps the high-water mark of American jurisprudence, while confronting the scourge of McCarthyism, Justice Douglas wrote, "[i]t is not without significance that most of the provisions of the Bill of Rights are procedural. It is procedure that spells much of the difference between rule by law and rule by whim or caprice. Steadfast adherence to strict procedural safeguards is our main assurance that there will be equal justice under law." *Joint Anti-Fascist Refugee Committee v. McGrath*, 341 U.S. 123, 179 (1951) (Douglas, J., concurring). This axiom is an indispensable feature of Anglo-American jurisprudence, as Lord Chief Justice Goddard adds: "**Time and again this court has said that justice must not only be done but must manifestly be seen to be done**. . . ." *Rex v. Justices of Bodmin*, 1 K. B. 321, 325 (1947).

record confirms a criminal conspiracy to deprive Rodriguez of his right to substantive and procedural *due process* by the Federal and Virginia courts aiding and abetting DOJ *et al.*'s criminal enterprise in violation of the Constitutions of the United States and Virginia, as well as Federal and Virginia civil/criminal laws. *U.S. v. Murphy* 768 F.2d 1518 (7th Cir. 1985). *See* A-32.

CONCLUSION

While every breach of the public trust is a matter for concern, few can be more grievous than those committed by our judiciary. As famed 19th-century orator Daniel Webster rightly noted:

> There can be no office in which the sense of responsibility is more necessary than in that of a judge; especially of those judges who pass, in the last resort, on the lives, liberty, and property of every man. The judiciary power, on the other hand, acts directly on individuals. The injured may suffer without sympathy or the hope of redress. **The last hope of the innocent, under accusation and in distress, is in the integrity of his judges.** If this fail, all fails; and there is no remedy on this side the bar of Heaven.[27]

We cannot long survive the unbridled tyranny of a judiciary in collusion with government attorneys that

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[27] Daniel Webster, The Writings and Speeches of Daniel Webster, (Boston: Little, Brown, & Co., 1851), Vol. III, pp. 6-7.

is above and beyond the law.

A judge and government attorney are bound by honor and oath to uphold and defend the Constitution. However, the record confirms that something has gone wrong in the management of both Federal and Virginia government attorney and judges by this Court permitting the "[resisting] the execution of [Art. VI, § 1, § 5, and § 7 of the Virginia Constitution and Va. Code § 54.1-3935] under color of [their] authority."

The basic tenet that government is not to be used for personal enrichment and the extending of benefits to the corrupt. Government and the Judicial Branch are to work to ensure that public officials are using their office to further the public interest and not to enrich themselves or others.

As this Court has previously observed: "[A] **democracy is effective only if the people have faith in those who govern, and that faith is bound to be shattered when high officials and their appointees engage in activities which arouse suspicions of malfeasance and corruption.**" *United States v. Miss. Valley Generating Co.*, 364 U.S. 520, 562 (1961).

The Court is a public institution in this republic, and it has a duty to promote respect for the law and to impose a sentence that is serious enough to do so. "If the vaunted rule of law can no longer protect us from the tyranny of irritated ministers and judges,"by declaring both government attorney and judges

absolutely immune from suit for malfeasance,[28] it might as well not even exist at all.

Pursuant to the *Void* Order Doctrine the D.C. Circuits order is itself *void* by reciprocally enforcing of the VSBDB *void* order issued to damage Rodriguez' business, profession and right to employment as an independent federal litigator in retaliation for his petitioning Congress and the General Assembly of Virginia, as well as for his litigating to enforce his federal and Virginia statutory rights as a father and rights as an attorney.

For the above reasons, in the interest of justice this Court must grant the Petition. Furthermore, the Court must comply with 18 U.S.C. §§ 4, and 3771, to protect Rodriguez as a victim from the on going federal criminal conspiracy in violation of 18 U.S.C. §§ 241,242, and1513, to enforce the VSBDB *void* by the federal courts to deprive him of his right to employment as an independent federal civil litigation attorney.

Respectfully submitted,

Isidoro Rodriguez, Esq.
Admitted to the Bar of
The United States Supreme Court, Sept. 11, 1992

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[28] John Dickenson and Thomas Jefferson, Declaration of Causes and Necessity for Taking Up Arms, Continental Congress (U.S.), Jul. 6, 1775. (Emphasis added)

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UNPUBLISHED
UNITED STATES COURT OF APPEALS
FOR THE D.C. CIRCUIT No. 08-7134

In re: Isidoro Rodriguez, Esq.

Present: Sentelle, Chief Judge, and Ginsburg, Henderson, Rogers, Tatel, Garland,* Brown, Griffith, and Kavanaugh, Circuit Judges

ORDER

Upon consideration of respondent's petition for rehearing en banc, and the absence by any member of the court for a vote, it is

O R D E R E D that the petition is denied.

Per Curiam

FOR THE COURT,
Mark J. Langer, Clerk

/s/Michael C. McGrail
Deputy Judge

Dated: June 3, 2009

*Circuit Judge Garland did not participate in this matter.

UNPUBLISHED
UNITED STATES COURT OF APPEALS
FOR THE D.C. CIRCUIT No. 08-7134

In re: Isidoro Rodriguez, Esq.

BEFORE: Rogers, Tatel and Griffith, *Circuit Judges*

Upon consideration of the order of the Virginia State Bar Disciplinary Board dated November 28, 2006, revoking respondent's license to practice law in the Commonwealth of Virginia, and on the breif and oral argument of respondent, it is

ORDERED that respondent Isidoro Rodriguez be disbarred and, accordingly, that he be prohibited from the practice of law before the United States Court of Appeals for the District of Columbia Circuit. Respondent has not demonstrated, and the Court does not find, that the Virginia Stat Bar disciplinary proceeding suffered from a lack of due process or infirmity of proof, that disbarment would result in grave injustice, or that substantially different discipline is warranted. *See* D.C. CIR. RULES app. II, RULES OF DISCIPLINARY ENFORCEMENT IV(c). It is

FURTHER ORDERED that respondent Isidoro Rodriguez be prohibited from holding himself out to be an attorney at law licensed to practice before the United States Court of Appeals for the District of Columbia Circuit.

Pursuant to D.C. Circuit Rule 36, this disposition

will not be published.

Per Curiam

FOR THE COURT,
Mark J. Langer, Clerk

/s/Michael C. McGrail
Deputy Judge

Dated: April 21, 2009

VIRGINIA:
BEFORE THE VIRGINIA STATE BAR DISCIPLINARY BOARD

IN THE MATTER OF ISIDORO RODRIGUEZ
VSB DOCKET NOS. 04-052-0794 and 04-052-1044

ORDER OF VIRGINIA STATE BAR DISCIPLINARY BOARD

THIS MATTER came on to be heard on the 26th and 27th days of October, 2006, before a panel of the Disciplinary Board consisting of James L Banks, Jr., 1st Vice-Chair, presiding,(the "Chair"), William C. Boyce Jr, Glenn M. Hodge, William F. (Hover, and Stephen A. Wannall, Lay member. The Virginia State Bar ("VSB" or "Bar") was represented by Noel D. Sengel, Senior Assistant Bar Counsel. The Respondent, Isidro Rodriguez, appeared in person and represented himself. The Chair polled the members of the Board Panel as to whether any of them was aware of any personal or financial interest or bias which would preclude any of them from fairly hearing this matter and serving on the panel, to which inquiry each member; including the Chair, responded in the negative. Donna T. Chandler, RPR, RMR, CCR of Chandler & Ralasz, court reporter. P.O. Box 9349, Richmond, Virginia, 23227, (804-730-1222) after being duly sworn, reported the hearing and transcribed the proceedings.

The matter came before the Board on the Subcommittee Determination (Corrected Certification) by the Fifth District Committee
Section II.

At the beginning of the proceedings the Respondent renewed his motion for the members of the panel to disqualify themselves as being interested patties for the reasons stated in his written motion previously filed. Upon consideration of this motion it was denied by the Panel for the reasons previously stated in the Board's Order of August 8,2006 that originally addressed Respondent's Motion to Recuse and Disqualify Members of the Disciplinary Board Within the Jurisdiction of N. Virginia and the U.S. Dist. Ct. for the RD. of Va. so to Assure Impartiality.

FINDINGS OF FACT

VSB Exhibits 1-92 were admitted during the course of the hearing without objection. The Respondent's Exhibits 1-42 were admitted during the course of the hearing without objection or over Bar counsel's objection. The VSB presented evidence through its witnesses, the Respondent cross-examined the witnesses and thereafter testified on his own behalf. After consideration of the exhibits and the testimony the Board makes the following findings of fact on the basis of clear and convincing evidence:

VSBNo. 04-052-0794

1. At all times relevant hereto, Isidoro Rodriguez, hereinafter the "Respondent", has been an attorney licensed to practice law in the Commonwealth of Virginia and his address of record with the Virginia State Bar has been 7924 Peyton

Forest Trail, Annandale, VA 22003-1560. VSB Ex. 1. The Respondent received paper notice of this proceeding as required by Part Six, IV, 13 (E) and (I)(a) of the Rules of Virginia Supreme Court. VSB Ex. 2.

2. The Complainant, Jack Harbeston, hereinafter referred to as "Harbeston", was the managing director of Sea Search Armada ("SSA") a Cayman Island entity that invests in and conducts searches for sunken treasure ships and engages in the salvage and the recovery of their contents. Sometime prior to 1988 SSA had discovered what it thought to be the remains of sunken Spanish ships off the coast of Colombia. SSA had been unable to have its rights to any sunken treasure recognized by the government of Columbia and was looking for legal representation in Colombia to assert its claims. Harbeston sought assistance from the Economic Officer at the United States Embassy in Bogota, Colombia for names of attorneys who could represent SSA The Economic Officer provided Harbeston with a list of attorneys in Colombia which included the Respondent as a member of the partnership of Devis and Rodriguez. Harbeston subsequently contacted the Respondent regarding possible legal representation. In his conversation with the Respondent, Harbeston learned that Devis, a Colombian attorney, would handle any litigation on behalf of SSA in the Colombian courts. Harbeston was looking for an American attorney, if possible, because of his concerns as to the potentially divided loyalty of a Colombian attorney. In correspondence between the Respondent and Harbeston, Respondent noted that he was the only attorney licensed in the United States working in Colombia and as such his firm was subject

to the same standards as law firm in the United States; that unlike any other firm in Colombia his firm "must comply with the State of Virginia Bar Association's Ethics of Professional Responsibility." VSB Ex. 4.

3. SSA subsequently hired the firm of Devis and Rodriguez. By agreement dated October 20, 1988, the parties entered into a representation agreement prepared by Rodriguez which set forth the terms of the engagement including a fee arrangement on an hourly basis that had been discussed prior to the execution of the agreement. VSB Ex. 7. By affidavit dated October 21, 1988, Harbeston, as managing Director of SSA, authorized the law firm of Devis and Rodriguez to act as SSA's legal representative to pursue its claims in Colombia.

4. In order for SSA to proceed with its claims in Colombia, SSA was required to appoint an agent with broad powers to represent SSA. By agreement dated December 16, 1988, executed in the District of Columbia, SSA appointed the Respondent as its legal representative in Colombia. Respondent's Ex. 8. However, Harbeston and SSA were concerned with the scope of the general power of attorney appointing Rodriguez as its agent in Colombia (Respondent's Ex. 8) and sought to limit his authority by advising the Respondent that he could only act upon the written authorization of Harbeston. By letter dated December 14, 1988, the Respondent acknowledged this limitation on his authority, noting that any violation of the restriction "will result in an action before The Virginia Bar Ethics Committee". VSB Ex. 9. By memorandum dated December 13, 1988, Harbeston advised all law firms employed by 58.4, including Devis and Rodriguez, that John Erlichman would coordinate and manage all

litigation by SSA. VSB Ex. 8.

5. By letter dated January10, 1989 SSA authorized Respondent as its legal representative in Colombia to file a lawsuit against the Republic of Colombia to confirm its rights to the sunken ships. VSB Ex. 12. Thereafter, Devis proceeded to pursue SSA's claims in the courts of Colombia with apparent skill and professionalism to the satisfaction of SSA. Harbeston soon became dissatisfied with the Respondent's performance because of actions he took without written authorization but nevertheless continued the representation arrangement because of his satisfaction with Devis' performance as a litigator. By memorandum to Respondent dated June 9, 1989, (VSB Ex. 13) Harbeston reaffirmed that Respondent was to take no action on behalf of SSA without Harbeston's written authorization as Respondent had acknowledged by his December 14,1988 letter. Sometime thereafter, but prior to January 1990, the law firm of Rodriguez and Devis had dissolved but Devis continued to represent SSA in its ongoing litigation against the Republic of Colombia. By agreement dated January 3, 1991, Respondent, acting as attorney for SSA, entered into a professional services agreement with Devis to continue with the litigation on behalf of SSA against the Republic of Colombia. This agreement changed the fee arrangement to a contingency fee arrangement whereby Devis would receive 20% of any recovery. VSB Ex. 14. Devis and the Respondent then entered into an agreement to share any contingent fee recovery.

6. By request dated January 3, 1990, the Respondent sought a legal ethics opinion from the

VSB that as a Virginia attorney who had entered into a contract in Idaho to be performed in a foreign country, whether he could terminate his representation because the client had failed to pay his fee and could sue the client to collect such a fee. The VSB Ethics Committee gave its opinion on the issue (LEO 1325) that under the facts presented, the Respondent could terminate his representation and sue the client for fees, with the opinion concluding with the customary notice that it was an advisory opinion and not binding on any court. VSB Ex. 18.

7. Devis continued the litigation successfully as the case made its way through the Colombian judicial system as the Colombian government appealed each adverse decision. Respondent does not appear to have played any role in the litigation. By letter dated March 24,2000 Devis advised Respondent not to use his name in Respondent's professional activities, and that Harbeston was upset with Respondent's activities and wanted to revoke the power of attorney. VSB Ex. 15. Devis acknowledged he would honor their contingent fee sharing arrangement By letter dated April 6,2000, Harbeston revoked the general power of attorney from SSA to Respondent (which he had forgotten to do earlier), stating that neither SSA nor its related entities owed Respondent any legal fees and that any understanding relating to fees was in the agreement between Devis and Respondent to share any contingency fee. VSB Ex. 16.

8. In September of 2000 the Respondent filed suit against SSA in the United States District Court for the Eastern District of Virginia seeking to enforce a claim for attorney's fees in the amount of $4.5 million against SSA. VSB Ex. 19, The Respondent testified

that he based the amount of his attorney's fee claim on the annual salary ($300,000 to $400,000) of a legal representative of a United States company in a foreign land for a period of 12 years. Included as defendants in this litigation were Harbeston, related entities to SSA and Devis. None of the defendants were residents of the Commonwealth of Virginia. The Respondent basis for jurisdiction by the federal court in Virginia was the fact that he was a Virginia attorney, Virginia Code Section 54.1-3932 grants an attorney a lien for fees and LEO 1325 which said he could sue his client. The defendants in this litigation obtained the services of Harrison Pledger, a Virginia attorney, who filed a motion to dismiss based on the lack of personal jurisdiction over the defendants. This motion was granted and the suit was dismissed. The Respondent then appealed to the Fourth Circuit Court of Appeals and that court affirmed the District Court's ruling. The Respondent then petitioned for a Writ of *Certiorari* in the United States Supreme Court but that petition was denied.

9. After the denial of The Writ of Certiorari by the United States Supreme Court the Respondent filed a slightly different law suit in the United States District Court for the Eastern District of Virginia against the defendants in the earlier suit and also added several other defendants who were investors in SSA or related entities. VSB Ex. 20. The District Court dismissed this second law suit, finding that the Respondent had failed to plead additional facts to the first suit to give the court personal jurisdiction over any of the defendants. This ruling was affirmed on appeal to the Fourth Circuit The Respondent then sought a Writ of *Certiorari* from the United States Supreme Court which was also denied.

10. While the appeal of the second lawsuit was pending, the Respondent filed a third similar lawsuit - this time in the Circuit Court of Fairfax County against SSA. In this third lawsuit the Respondent named the defendants in the second law suit and Harrison Pledger and his law firm as defendants. VSB Ex. 21. This law suit was also dismissed but the court denied the defendants' motions for sanctions.

11. The Respondent created a website which displayed false and misleading information regarding his relationship with SSA and his participation in the litigation in Colombia. VSB Ex 24 & 25. On the site, the Respondent claimed that in 1988, at the request of the United States Department of State, he became SSA's legal representative and managing attorney responsible for managing alternative dispute resolution negotiations and outside counsel in litigation against the government of Colombia, posts he claims he held until 2000. These assertions are not true. On his resume, the Respondent listed a LLM Civil law degree from the University of Bordeaux. While the Respondent attended a class at the University of Bordeaux, he never received a degree from that university. The Respondent also listed an American Trial Lawyers Ultimate Trial Lawyer Certification. There is no such certification. The basis for Respondent's claim is the fact that he attended a one week continuing legal education program sponsored byte Association of Trial Lawyers of American titled "Ultimate Trial Advocacy".

12. Respondent, in 2004,while communicating with the U.S. State Department regarding Freedom of Information Act ("FOIA") requests he had made for information relating to SSA litigation, represented that he was the attorney for SSA notwithstanding the fact

that Harbeston had revoked his authority in 2000. VSB Ex. 23. Respondent claimed that since the power of attorney filed with the Colombian government had never been terminated he was not making a misrepresentation in his FOIA request.

VSB Docket No. 04-502-1044

1. The Respondent lived for many years in Colombia and had married Amalin Hazbun Escaf a citizen of Colombia. One son was born of the marriage. The marriage ultimately ended in a divorce in Colombia with the wife/mother obtaining custody of the son by order of a Colombian court with visitation rights to the Respondent.

2. The Respondent subsequently returned to the United States where he has been living and his son visited him pursuant to the visitation rights granted by the Colombian Court. In 2001 while the son was visiting the Respondent the Respondent refused to return his son to Colombia and filed an action in the Juvenile and Domestic Relations Court in Fairfax County to gain custody of his son.

3. In 2001, subsequent to the filing of Respondent's suit in the Juvenile and Domestic Relations Court in Fairfax County, Respondent's ex-wife filed an action in the United States District Court for the Eastern District of Virginia, under the Hague Convention on the Civil Aspects of Child Abduction (the "Hague Convention") and the International Child Abduction Remedies Act ("ICARA") in order to secure the return to Colombia of her son. VSB Ex. 34. In this litigation she was represented by Patrick Stiehm, a Virginia attorney who had

undertaken this representation *pro bono* at the request of the National Center for Missing and Exploited Children ("NCMEC"). NCMEC is a non profit corporation that acts as a neutral in facilitating the processing of claims under the Hague Convention and ICARA. When Stiehm initially contacted Respondent to inform him of the pending litigation, Respondent told Stiehm that his *pro bono* representation would cost Stiehn "a big chunk of change." In keeping with this threat, Respondent immediately filed a motion for sanctions against Stiehn (VSB Ex. 35) but that motion was denied. VSB Ex. 38. However, Respondent's subsequent litigation described herein, which included Stiehm as a defendant, resulted in Stiehm incurring significant legal expenses to respond to meritless and vexatious litigation.. After a bench trial the Court ruled that the Respondent had kept the child in Virginia in violation of his ex-wife's custody rights. VSB Ex. 39. The Court ordered that the child be removed from the Respondent's custody and returned to the child's mother in Colombia The Respondent's appeals to the Fourth Circuit Court of Appeals and the United States Supreme Court were denied. After all appeals and stays were denied the son was reunited with his mother and left for Colombia in June of 2002.

4. In January of 2003, the Respondent filed suit in the District Court for the District of Columbia against numerous defendants, including NCMEC, several employees of NCMEC, the United States District Court for the Eastern District of Virginia, the Fourth Circuit Court of Appeals, the Circuit Court of Fairfax County, the Court of Appeals of Virginia, the District Court for the District of Columbia, the United States Court of Appeals for the District of Columbia,

various judges, a court clerk, the United States Department of State, Patrick Stiehm and Stephen Cullen (an attorney who had assisted Stiehm in the Virginia litigation) claiming a constitutional conspiracy by the defendants against him in his litigation in Virginia. VSB Ex. 43. Staff members of NCMEC had been witnesses in the Virginia litigation and NCMEC had provided legal representation to witnesses in the litigation in Virginia. In filing this litigation in which Respondent and his son were named as plaintiffs, Respondent who is not licensed to practice in the District of Columbia and had not obtained an order to appear *pro hoc vice*, attempted
to act as attorney for his son.

5. In March of 2003, the Respondent filed a Writ of Mandamus in an attempt to compel NCMEC to take actions to force the country of Colombia to grant the Respondent access to his son. VSB Ex. 64. By letter dated September 24,2003, Warren L. Dennis, Esquire, counsel for NCMEC, informed the Clerk of the United States Supreme Court that NCMEC would not be filing a responsive brief to the Respondent's Writ because, inter alia, it had no power to compel the government of the country of Colombia to do anything. VSB Ex. 65. Upon receipt of a copy of the letter, the Respondent called Mr. Dennis's office and left a voice mail message in which he threatened to file an ethics complaint because the letter falsely characterized the Respondent's Virginia litigation. Also, by letter dated September 29,2003, the Respondent gave notice of his intent to file a judicial complaint and District of Columbia Bar complaint against those involved in the litigation unless facts already proved

were proved within twenty-four (24) hours. VSB Ex 67.

6. In the District of Columbia litigation the Respondent repeatedly filed pleadings with no basis in law or fact. VSB Ex. 43 - 81. In an amended complaint (VSB Ex. 72) Respondent asserted a claim under the Racketeer Influenced and Corrupt Organization Act (RICO) 18 U.S.C. 1961. Included as defendants in the complaint were the United States Supreme Court; the United States Court of Appeals for the Fourth Circuit; the United States Court of Appeals for the District of Columbia, the United States District Court for the Eastern District of Virginia, the United States District Court for the District of Columbia, the Virginia Supreme Court, the Court of Appeals of Virginia and the Circuit Court of Fairfax County. Respondent's actions in the D.C. litigation clearly demonstrates his use of the legal system to harass and intimidate anyone whom he considered to have been involved in the Virginia litigation that returned his son to Colombia and to re-litigate the Virginia case.

7. Respondent's actions in naming NCMEC and some of its employees as defendants in this litigation cost NCMEC over $160,000 in legal expenses and nearly bankrupted the organization. Throughout the course of this litigation, the Respondent misrepresented his credentials as a lawyer and his license status in the District of Columbia and New York to the courts and opposing parties. The Respondent graduated from law school in 1976. He was first licensed to practice law in the Commonwealth of Virginia in 1982. Virginia is the only jurisdiction in which Respondent has a license to practice law. The Respondent listed a number of governmental and quasi governmental legal jobs in the District of Columbia on his resume between the years

1976 and 1982 requiring a valid law license in the United States, during which period he was not licensed to practice law anywhere in the United States. The Respondent also noted on various documents that he practiced law in the District of Columbia for a period of time after his licensure in Virginia, but has never been licensed in the District of Columbia.

8. During this litigation, the Respondent filed pleadings and attempted to represent his minor sonon several occasions in the District of Columbia litigation, despite the fact there was a conflict of interest between the father and son, despite the fact that the Respondent would be a witness in the case and despite the fact that the judge instructed the Respondent to cease representing his son. VSB Ex 48 & 50. The Respondent's law partner also attempted to represent the son but the court refused to permit that representation.

I. MISCONDUCT

The Certification for VSB Docket No. 04-052-0794 charges violations of the following provisions of the Virginia Rules of Professional Conduct:

RULE 1.2 Scope of Representation

(a) A lawyer shall abide by a client's decisions concerning the objectives of representation, subject to paragraphs (b), (c), and (d), and shall consult with the client as to the means by which they are to be pursued. A lawyer shall abide by a client's decision, after consultation with the lawyer, whether to accept an offer of settlement of a matter. In a criminal case, the lawyer shall abide by the client's decision, after consultation

with the lawyer, as to a plea to be entered, whether to waive jury trial and whether the client will testify.

RULE 1.5 Fees

(a) A lawyer's fee shall be reasonable. The factors to be considered in determining the reasonableness of a fee include the following:

(1) the time and labor required, the novelty and difficulty of the questions involved, and the skill requisite to perform the legal service properly;

(2) the likelihood, if apparent to the client, that the acceptance of the particular employment will preclude other employment by the lawyer,

(3) the fee customarily charged in the locality for similar legal services;

(4) the amount involved and the results obtained;

(5) the time limitations imposed by the client or by the circumstances;

(6) the nature and length of the professional relationship with the client;

(7) the experience, reputation, and ability of the lawyer or lawyers performing the services; and

(8) whether the fee is fixed or contingent.

RULE 1.16 Declining Or Terminating Representation

(a) Except as stated in paragraph (c), a lawyer shall not represent a client or where representation has commenced, shall withdraw from the representation of a client if:

(3) the lawyer is discharged.

RULE 3.4 Fairness To Opposing Party And Counsel

A lawyer shall not:

(I) file a suit, initiate criminal charges, assert a

position, conduct a defense, delay a trial, or take other action on behalf of the client when the lawyer knows or when it is obvious that such action would serve merely to harass or maliciously injure another.

RULE 7.1 Communications And Advertising Concerning A Lawyer's Services

(a)A lawyer shall not, on behalf of the lawyer or any other lawyer affiliated with the lawyer or the firm, use or participate in the use of any form of public communication if such communication contains a false, fraudulent, misleading, or deceptive statement or claim. For example, a communication or advertisement violates this Rule if it:

(1) contains misleading fee information;

(2) states or implies that the outcome of a particular legal matter was not or will not be related to its facts or merits;

(3) compares the lawyer's services with other lawyers' services, unless the comparison can be factually substantiated;

(4) contains an endorsement by a celebrity or public figure who is not a client of the firm without disclosure (I) of the fact that the speaker is not a client of the lawyer or the firm, and (ii) whether the speaker is being paid for the appearance or endorsement; or

(5) contains a portrayal of a client by a non-client without a disclosure that the depiction is a dramatization.

In the determination of whether a communication or advertisement violates this Rule, the communication or advertisement shall be considered in its entirety including any qualifying statements or disclaimers contained therein.

RULE 8.4 Misconduct

It is professional misconduct for a lawyer to:

(b) commit a criminal or deliberately wrongful act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer;

(c) engage in professional conduct involving dishonesty, fraud, deceit or misrepresentation;

The Certification for VSB Docket No. 04-052-1044 charges violations of the following provisions of the Virginia Rules of Professional Conduct:

RULE 1.7 Conflict of Interest: General Rule

(b) A lawyer shall not represent a client if the representation of that client may be materially limited by

the lawyer's responsibilities to another client or to a third person, or by the lawyer's own interests, unless:

(1) the lawyer reasonably believes the representation will not be adversely affected; and

(2) the client consents after consultation. When representation of multiple clients in a single matter is undertaken, the consultation shall include explanation of the implications of the common representation and the advantages and risks involved.

RULE 3.1 Meritorious Claims And Contentions

A lawyer shall not bring or defend a proceeding, or assert or controvert an issue therein, unless there is a basis for doing so that is not frivolous, which includes a good faith argument for an extension, modification or reversal of existing law. A lawyer for the defendant in a criminal proceeding, or the respondent in a proceeding that could result in incarceration may nevertheless so defend the result in incarceration may

nevertheless so defend the proceeding as to require that every element of the case be established.

RULE 3.3 Candor Toward The Tribunal

(a) A lawyer shall not knowingly

(1) make a false statement of fact or law to a tribunal;

(2) fail to disclose a fact to a tribunal when disclosure is necessary to avoid assisting a criminal or fraudulent act by the client, subject to Rule 1.6;

(3) fail to disclose to the tribunal controlling legal authority in the subject jurisdiction known to the lawyer to be adverse to the position of the client and not disclosed by opposing counsel; or

(4) offer evidence that the lawyer knows to be false. If a lawyer has offered material evidence and comes to know of its falsity; the lawyer shall take reasonable remedial measures.

RULE 3.4 Fairness To Opposing Party And Counsel

A lawyer shall not:

(d) Knowingly disobey or advise a client to disregard a standing rule or a ruling of a tribunal made in the course of a proceeding, but the lawyer may take steps, in good faith, to test the validity of such rule or ruling.

(h) Present or threaten to present criminal or disciplinary charges solely to obtain an advantage in a civil matter.

(I) File a suit, initiate criminal charges, assert a position, conduct a defense, delay a trail, or take other action on behalf of the client when the lawyer knows or when it is obvious that such action would serve merely to harass or maliciously injure another. Effective January 1,2004

(j) Present or threaten to present criminal or disciplinary charges solely to obtain an advantage in a

civil matter,

(k) File a suit, initiate criminal charges, assert a position, conduct a defense, delay a trail, or take other action on behalf of the client when the lawyer knows or when it is obvious that such action would serve merely to harass or maliciously injure another.

RULE 3.7 Lawyer As Witness

(a) A lawyer shall not act as an advocate in an adversarial proceeding in which the lawyer is likely to be a necessary witness except where:

(1) the testimony relates to an uncontested issue;

(2) the testimony relates to the nature and value of legal services rendered in the case; or

(3) disqualification of the lawyer would work substantial hardship on the client.

RULE 44 Respect For Rights Of Third Persons

In representing a client, a lawyer shall not use means that have no purpose other than to embarrass, delay; or burden a third person, or use methods of obtaining evidence that violate the legal rights of such a person.

RULE 5.5 Unauthorized Practice Of Law

(a) A lawyer shall not:

(1) practice law in a jurisdiction where doing so violates the regulation of the legal profession in that jurisdiction; or

(2) assist a person who is not a member of the bar in the performance of activity that constitutes the unauthorized practice of law.

RULE 7.1. Communications Concerning A Lawyer's Services

(a) A lawyer shall not, on behalf of thelawyer or any other lawyer affiliated with the lawyer or the firm,

use or participate in the use of any form of public communication if such communication contains a false, fraudulent, misleading, or deceptive statement or claim. For example, a communication violates this Rule if it:

(1) contains false or misleading fee information; or

(2) states or implies that the outcome of a particular legal matter was not OR will not be related to its facts or merits; or

(3) compares the lawyer's services with other lawyers' services, unless the comparison can be factually substantiated; or

(4) is likely to create an unjustified expectation about results the lawyer can achieve, or states or implies that the lawyer can achieve results by means that violate the Rules of Professional Conduct or other law.

RULE 7.4 Communication Of Fields Of Practice And Certification

Lawyers may state, announce or hold themselves out as limiting their practice in a particular area or field of law so long as the communication of such limitation of practice is in accordance with the standards of this Rule, Rule 7.1, and Rule 7.3, as appropriate. A lawyer shall not state or imply that the lawyer has been recognized or certified as a specialist in a particular field of law except as follows:

(a) A lawyer admitted to engage in patent practice before the United States Patent and Trademark Office may use the designation "Patent Attorney" or a substantially similar designation;

(b) A lawyer engaged in Admiralty practice may use as a designation "Admiralty," "Proctor in

Admiralty" or a substantially similar designation;

(c) A lawyer who has been certified by the Supreme Court of Virginia as a specialist in some capacity may use the designation of being so certified, e.g., "certified mediator" or a substantially similar designation;

(d) A lawyer may communicate the fact that the lawyer has been certified as a specialist in a field of law by a named organization, provided that the communication clearly states that there is no procedure in the Commonwealth of Virginia for approving certifying organizations. Effective Nov. 1,2002

(a) A lawyer admitted to engage in patent practice before the United States Patent and Trademark Office may use the designation "Patent Attorney" or a substantially similar designation;

(b) A lawyer engaged in Admiralty practice may use as a designation "Admiralty," "Proctor in Admiralty" or a substantially similar designation;

(c) A lawyer who has been certified by the Supreme Court of Virginia as a specialist in some capacity may use the designation of being so certified, e.g., "certified mediator" or a substantially similar designation;

(d) A lawyer may communicate the fact that the lawyer has been certified as a specialist in a field of law by a named organization, provided that the communication clearly states that there is no procedure in the Commonwealth of Virginia for approving certifying organizations.

RULE 8.4 Misconduct

It is professional misconduct for a lawyer to:

(b) commit a criminal or deliberately wrongful act that reflects adversely on the lawyer's honesty,

trustworthiness or fitness as a lawyer;
(c) engage in professional conduct involving dishonesty, fraud, deceit or misrepresentation; Effective Mar. 25, 2003
(b) commit a criminal or deliberately wrongful act that reflects adversely on the lawyer's honesty, trustworthiness or fitness to practice law.
(c) engage in conduct involving dishonesty, fraud, deceit or misrepresentation which reflects adversely on the lawyer's fitness to practice law;

III. DISPOSITION

Upon review of the forgoing finding of facts, the exhibits presented by Bar Counsel on behalf of the VSB as Exhibits 1- 92, the exhibits presented by the Respondent as The Respondent's Exhibits 1-42, the evidence from witnesses presented on behalf of the VSB and evidence presented by the Respondent in the form of his own
testimony, and at the conclusion of the evidence regarding misconduct, the Board recessed to deliberate. After deliberation the Board reconvened and stated that it had found by clear and convincing evidence that the Respondent had violated The following Rules of Professional Conduct: in Docket No. 04-052-0794, Rule 1.2(a); 1.5(a); 1.16(a)(3); 3.4(I); 7.1(a); 8.4(b) & (c); in Docket No. 04-052-1044. Rule 1.7(b) 1-2; 3.1; 3.4 (d)(h)(i)(j); 3.7(a)(1-3); 4.4 and 8(b) and (c).

The Board stated that the Bar had failed toprove by clear and convincing evidence any violation of the following the Rules of Professional Conduct: 3.3(a)1-4; 5.5(a)l-2; 7.1(a)1-4; 7.4(a)(b)(c)(d); and effective Nov. 1, 2002 7.4(a)(b)(c)(d).

The bases for the Boards finding of violation of the Rules of Professional Conduct are as follows:

VSB Docket No. 04-052-0794

(a) The Respondent violated Rule 1.2(a) (Scope of Representation) in that his authorization to act on behalf of his client SSA was limited, but he nonetheless acted without written authorization from his client. Furthermore, after he had been discharged by SSA, he wrote the Department of State claiming to be the managing attorney of SSA, which was not the case. He also made a FOIA request without any authorization.

(b) The Respondent violated Rule 1.5(a) 1-8 (Fees) with his claim of a fee of 4.5 million dollars. Respondent acknowledged that the fee arrangement was a contingent fee arrangement and no recovery had been made. Therefore, there was no basis to claim a fee. Furthermore, the amount of the fee, $4.5 million, does not appear to have any reasonable relationship to work actually performed which is necessary for a recovery on a quantum merit basis. Respondent testified that he determined the amount based upon what the salary would be for a legal representative for a U.S. company operating in a foreign country.

(c) The Respondent violated Rule 1.16 (a)(3) (Declining or Terminating Representation) by representing that he was SSA's managing attorneyin a FOIA request (VSB Ex. 23), which he made well after SSA had terminated their relationship.

(d) The Respondent violated Rule 3.4(I) (Fairness to Opposing Party and Counsel) by tiling the litigation in the United States District Court for the Eastern District of Virginia and the Circuit Court of

Fairfax County, Virginia. It should appear to any reasonably competent lawyer that the courts did not have jurisdiction over the parties named as defendants. Even giving the Respondent the benefit of the doubt as to the first suit, he received a ruling that the court lacked personal jurisdiction over the defendants which was upheld on appeal. He nonetheless filed a second suit with the same infirmity seeking the same recovery. Furthermore, his suit in the Circuit Court of Fairfax County, Virginia, included as a defendant Harrison Pledger and his law firm, merely because Mr. Pledger had acted as defense counsel in the two suits in the federal court

(e) The Respondent violated Rule 7.1(a) 1-5 (Communication Concerning a Lawyer's Services) by misrepresentation on his website and resume. VSB Exhibits 24 and 25 show that Mr. Rodriguez, on the website he created, misrepresented his relationship with SSA. He misrepresented what he did for SSA and how he became employed by SSA. He misrepresented his education by listing an LLM civil law degree from the University of Bordeaux. He improperly claimed a certification (the American Trial Lawyer Ultimate Trial Lawyer Certification) where no such certification exists.

(f) The Respondent violated Rule 8.4(b) and 8.4(c) (Misconduct) by representing in his FOIA request that he was the managing attorney for SSA, when the evidence shows that he clearly was not.

VSB Docket No. 04-052-1044

(a) The Respondent violated Rule 1.7(b) 1-2 (Conflict of interest) in his attempt to represent his son

in the District Court for the District of Columbia and his continued actions to do so even in the face of a court ruling that there was a conflict.

(b) The Respondent violated Rule 3.1 (Meritorious Claims and Contentions) by his litigation in the District Court for the District of Columbia and his actions in the Circuit Court of Fairfax County, Virginia. The complaint filed by the Respondent with all the parties he named as defendants standing alone shows that the Respondent has violated this Rule. The numerous pleadings filed thereafter further demonstrate that the Respondent's aim was to punish anyone who had any connection with the litigation filed by his former wife to regain custody of their son. Any attorney who had in any way appeared in that litigation ended up being named as a defendant. NCMEC and several of its staff were named as defendants resulting in a legal cost to NCMEC alone of $160,090.00 Attorney Patrick Stiehm who had taken Respondent's ex-wife's case pro bono was named as a defendant thereby making good on Respondent's claim that Stiehm's representation would cost him a "big chunk of change."

Furthermore, in litigation in Fairfax County, Respondent subpoenaed two members of NCMEC as witnesses for a hearing involving his efforts to file a Statement of the Case for an appeal, when these two staff members had nothing to do with the Fairfax litigation. While the subpoenas were quashed they nevertheless had the effect of harassing the NCMEC staff members. Remarkably this is the only instance in which the Respondent was sanctioned by a court.

Perhaps if he had been sanctioned earlier, either by the United States District Court for the Eastern

District of Virginia or the District Court for the District of Columbia, such action would have put a stop to Respondent's unwarranted and vexatious conduct. Unfortunately neither of the courts saw fit to impose sanctions.

(c) The Respondent violated Rule 3.4(d)(h(i)(j) (Fairness to Opposing Party and Counsel) by the following conduct: (1) by continuing to attempt to represent his son in the District of Columbia litigation in the face of a court ruling, in violation of Rule 3.4(d); (2) by threatening the NCMEC attorney with a bar complaint and filing a criminal complaint with the FBI, in violation of 3.4(h); (3) by filing a motion for sanctions against Patrick Stiehm and naming Stiehm as a defendant in the District of Columbia litigation and by his entire course of conduct in the District of Columbia litigation, in violation of Rule 3.4(i)(j);

(d) The Respondent violated Rule 3.7(a) 1-3 (Lawyer as Witness) by acting as an advocate when he was a necessary witness in the Eastern District of Virginia litigation.

(e) The Respondent violated Rule 4.4 (Respect for the Rights of Third Persons) by the whole course of litigation in the District Court for the District of Columbia. In addition, his subpoena of Ms. Brinkerhoff and Mr. Dennis to the Fairfax Circuit Court for a hearing on the Statement of Facts to be submitted for appeal further demonstrates a violation of this Rule.

(f) The Respondent violated Rule 8.4(b) and 8.4(c) (Misconduct) in asserting a RICO claim and by his letter to the FBI.

Thereafter, the Board received further evidence of aggravation and mitigation from the Bar and the Respondent, including the Respondent's prior

disciplinary record. The Board recessed to deliberate what sanction to impose upon its findings of misconduct by the Respondent.

After due deliberation the Board reconvened to announce the sanction imposed. The Chair announced the sanction as REVOCATION.

The Board in reaching its decision of revocation recognized that the violation of certain of the Rules such as Rule 1.5(a), 7.1, and 8.4(b) & (c) standing alone may not merit the ultimate sanction of revocation. However, the Respondent's conduct by pursuing litigation in Virginia in Docket No. 04-052-0794 and in the District of Columbia in Docket No. 04-052-1044 is conduct that cannot be tolerated. While a court through sanctions can protect itself from such conduct by a deceitful and unprincipled attorney, the public must look to the VSB for protection. The other violations demonstrate Respondent's complete disregard for the Rules of Professional Conduct.

Furthermore the Respondent was defiant to any criticism of his conduct in pursuing what can only be described as meritless and vexatious litigation. This same defiance was evident to the Board as the Respondent sought to justify his conduct. Therefore the Board concluded that the sanction of revocation was the only remedy by which the public and bar could be adequately protected.

Accordingly, it is ORDERED that the Respondent's license to practice law in the Commonwealth of Virginia is revoked, effective October 27, 2006.

It is further ORDERED that the Respondent must comply with the requirements of Part Six, § IV, ¶ 13(M) of the Rules of the Supreme Court of Virginia.

The Respondent shall forthwith give notice by certified mail, return receipt requested, of the revocation of his license to practice law in the Commonwealth of Virginia, to all clients for whom he is currently handling matters and to all opposing attorneys and presiding judges in pending litigation. The Respondent shall also make appropriate arrangements for the disposition of matters then in his care in conformity with the wishes of his client The Respondent shall give such notice within 14 days of the effective date of the revocation, and make such arrangements as are required herein within 45 days of the effective date of the revocation. The Respondent shall also furnish proof to the Bar within 60 days of the effective day of the revocation that such notices have been timely given and such arrangements made for the disposition of matters.

It is further ORDERED that if the Respondent is not handling any client matters on the effective date of October 27,2006, he shall submit an affidavit to that effect to the Clerk of the Disciplinary System at the Virginia State Bar. All issues concerning the adequacy of the notice and arrangements required by Paragraph 13 (M) shall be determined by the Virginia State Bar Disciplinary Board, unless the Respondent makes a timely request for hearing before a three-judge court.

It is further ORDERED that pursuant to Part Six, § IV, ¶ 13,B.8.c. of the Rules of the Supreme Court of Virginia, the Clerk of the Disciplinary System shall assess all costs against the Respondent.

It is further ORDERED that the Clerk of the Disciplinary System shall mail an attested copy of this order to the Respondent at his address of record with the Virginia State Bar, being 7924 Peyton Forest Trail,

Annandale, VA 22003-1560, by certified mail, return receipt requested, and by regular mail to Noel 0. Sengel, Bar Counsel, Virginia State Bar, Suite 310, 100 North Pitt Street, Alexandria, Virginia, 22314-3133.
ENTERED this 28th day of November, 2006
VIRGINIA STATE BAR DISCIPLINARY BOARD

By: /S/
James Leroy Banks., Jr. 1st Vice Chair

IN THE COMMONWEALTH OF VIRGINIA:
IN FAIRFAX COUNTY

Governor Timothy Kaine
Patrick Henry Bldg.
Richmond, Virginia 23219

Commonwealth Attorney Raymond F. Morrogh, Jr.,
Fairfax County Virginia
Jennings Building Judicial Center
4110 Chain Bridge Rd. #123
Fairfax, VA 22030

Colonel David M. Rohrer, Chief of Police
Fairfax County
4100 Chain Bridge Rd.
Fairfax, VA 22030

Fairfax County Magistrate Office
Fairfax Adult Detention Center
10520 Judicial Drive
Fairfax, Va 22030

CITIZEN'S CRIMINAL COMPLAINT FOR TREASON AND MISPRISION OF A FELONY

I, Isidoro Rodriguez, Esq., the undersigned complainant is a citizen fo the United States by birth, a resident of the Commonwealth of Virginia, Fairfax County since 2000, and in my capacity as a member of the Bar in good standing of the United States Supreme Court, the U.S. Ct. of App for 2nd and Fed. Cir., U.S. Tax Court, and from 1982 until 2006 a member in good standing of the Virginia State Bar, being duly sworn

does state the following as true and correct to the best of my knowledge and belief.

Count One

From on or about January 2003 until March 2007, in the Commonwealth of Virginia Mr. Bob McDonnell, Esq., Hon. Leroy Rountree Hassell, Sr., Hon. Barbara Milano Keenan, Hon. Lawrence L. Koontz, Jr., Hon. Cynthia D. Kinser, Hon. Donald W. Lemons, Hon. G. Steven Agee, Hon. Barbara Milano Keenan, and Jane Does and John Does 1-20, acting outside of their ministerial and judicial capacity and jurisdiction did conspire with each other and with others to devise and participate in a scheme to obstruct justice, participate in treason, the misprision of a felony treason, and other acts of treason in violation of Va. Code § 18.2-481(5),[1] and 2-482,[2] by "[resisting] the execution of the [Hague Convention on the Civil Aspects of International Child Abduction, Oct. 25, 1980 ("Treaty"); and, Virginia's Uniform Child Custody Jurisdiction and Enforcement Act, Va. Code § 20-146.1 *et seq.*("UCCJEA")] under color of [their] authority," so to obstruct my statutory rights as a father to visitations

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[1] **Va. Code § 18.2-481. Treason defined; how proved and punished.** — Treason shall consist only in: . . . (5) Resisting the execution of the laws under color of its authority. Such treason, if proved by the testimony of two witnesses to the same overt act, or by confession in court, shall be punishable as a Class 2 felony. (Code 1950, § 18.1-418; 1960, c. 358; 1975, cc. 14, 15.)

[2] **Va. Code 18.2-482. Misprision of treason.**, states that, "[i]f any person knowing of such treason shall not, as soon as may be, give information thereof to the Governor, or some conserva-tor of the peace, he shall be guilty of a Class 6 felony.

in criminal violation of 18 U.S.C. § 1204.

Count Two

From on or about October 2006 to the present, in the Commonwealth of Virginia Mr. Bob McDonnell, Esq., Hon. Leroy Rountree Hassell, Sr., Hon. Barbara Milano Keenan, Hon. Lawrence L. Koontz, Jr., Hon. Cynthia D. Kinser, Hon. Donald W. Lemons, Hon. G. Steven Agee, Hon. Barbara Milano Keenan, Hon. DT Still, Hon. Leslie Alden, Ms. Karen Ann Gould, Esq., Mr. Seth Guggenheim, Esq., Ms. Noel D. Sengel, Esq., Mr. James Leroy Banks, Jr., Esq., Mr. William Carlyle Boyce Jr., Esq., Mr. William Ethan Glover, Esq., Mr. Glenn M. Hodge, Esq., Mr. Stephen A. Wannall, Mr. Davis J. Gogal, Esq., Mr. Daniel M. Rathbun, Esq., Mr. Edward V. O'Connor, Jr, Esq., Mr. John W, di Zerega, The Hon. William E. Thro, Catherine Crooks Hill, Esq., Ms. Elizabeth B. Peay, Esq., Ms. K, Kupke, Mr. J. T. Ezell, Mr. Coleman Walsh, Jr. and Jane Does and John Does 1-20, acting outside of their ministerial and judicial capacity and jurisdiction did conspire with each other and with others to violate their oaths of office to devise and participate in a scheme to obstruct justice, misprision of a felony treason, and other acts of treason in violation of Va. Code § 18.2-481(5), 2-482, by "[resisting] the execution of [Art. VI, § 1, § 5, and § 7 of the Virginia Constitution and Va. Code § 54.1-3935] under color of [their] authority," so to obstruct justice by concealing the felony of treason by the usurping of the power to establish inferior "courts granted only to the General Assembly under Art. VI, § 1, § 5, and § 7 of the Virginia Constitution," by the Virginia Supreme Court's unlawful delegating authority to the Virginia State Bar Disciplinary Board ("VSBDB") to establish a "kangaroo court" to discipline attorneys in violations of

Va. Code §§ 54.1-3910, 3915, and 3935, (*see*: http://www.youtube.com/watch?v=VAkEfjcA5sQ-2009 statement Northern VA Delegates).

Count Three

From on or about November 27, 2006 to the present in the Commonwealth of Virginia Mr. Bob McDonnell, Esq., Hon. Leroy Rountree Hassell, Sr., Hon. Barbara Milano Keenan, Hon. Lawrence L. Koontz, Jr., Hon. Cynthia D. Kinser, Hon. Donald W. Lemons, Hon. G. Steven Agee, Hon. Barbara Milano Keenan, Hon. DT Still, Hon. Leslie Alden , Ms. Karen Ann Gould, Esq., Mr. Seth Guggenheim, Esq., Ms. Noel D. Sengel, Esq., Mr. James Leroy Banks, Jr., Esq., Mr. William Carlyle Boyce Jr., Esq., Mr. William Ethan Glover, Esq., Mr. Glenn M. Hodge, Esq., Mr. Stephen A. Wannall, Mr. Davis J. Gogal, Esq., Mr. Daniel M. Rathbun, Esq., Mr. Edward V. O'Connor, Jr, Esq., Mr. John W, di Zerega, The Hon. William E. Thro, Catherine Crooks Hill, Esq., and Jane Does and John Does 1-20, participating in the misprision of a felony treason by issuing and enforcing of an unlawful *void* order by the Virginia State Bar Disciplinary Board to punish, injure and deprive undersign counsel of his business, profession, perfected property right in his perfected Virginia Attorney's Lien on sunken *treasure trove*, and right to employment as an attorney, in retaliation for his petitioning the General Assembly and litigating to enforce statutory rights as a father and attorney, thereby acting outside of their ministerial and judicial capacity and jurisdiction to conspire with each other and with others to violate their oaths of office to devise and participate in a scheme to obstruct justice, misprision of a felony treason, and other acts of treason in violation of Va.

Code § 18.2-481(5), 2-482, by "[resisting] the execution of [Art. VI, § 1, § 5, and § 7 of the Virginia Constitution and Va. Code § 54.1-3935] under color of [their] authority," in violation of Va. Code §18.2-482, by participating in an on going business conspiracy in violation of Va. Code § 18.2-499,[3] so to not comply with their oaths as public official or person selected to be a public official, by directly or indirectly, corruptly demands, seeks, receives, accepts, or agrees to receive or accept anything of value personally or for any other person or entity, in return for:

a. being influenced in the performance of any official act;

b. being influenced to commit or aid in committing, or to collude in, or allow, any fraud, or make opportunity for the commission of any fraud, on the United States; or

c. being induced to do or omit to do any act in

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[3]**Va Code § 18.2-499.** Combination to injure others in their reputation, trade, business or profession: right of employees: (a) Any two or more persons who shall combine, associate, agree, mutually undertake or concert together for the purpose of wilfully and maliciously injuring another in his reputation, trade, business or profession by any means whatever, or for the purpose of wilfully and maliciously compelling another to do or perform any act against his will, or preventing or hindering another form doing or performing any lawful act, shall be jointly and severally guilty of a Class 3 misdemeanor. Such punishment shall be in addition to any civil relief recoverable under § 18.2-500.

(b) Any person who attempts to procure the participation, cooperation, agreement or other assistance of any one or more persons to enter into any combination, association, agreement, mutual understanding or concert prohibited in subsection (a) of this section shall be guilty of a violation of this section and subject to the same penalties set out in subsection (a) hereof.

violation of the official duty of such official or person; Directly or indirectly, corruptly demanded, sought, received, accepted, or a greed to receive in return for being influenced in the performance of any official act..

Count Four

From on or about November 2007 to the present, in the Commonwealth of Virginia Mr. Bob Mcdo, Ms. Elizabeth B. Peay, Esq., Ms. K, Kupke, Mr. J. T. Ezell, Mr. Coleman Walsh, Jr. and Jane Does and John Does 1-20, acting outside of their ministerial and judicial capacity and jurisdiction pursuant to the Virginia Unemployment Compensation Act so to conspire with each other and with others to violate their oaths of office to devise and participate in a scheme to obstruct justice, misprision of a felony treason, and other acts of treason in violation of Va. Code § 18.2-481(5), 2-482, by "[resisting] the execution of [Art. VI, § 1, § 5, and § 7 of the Virginia Constitution and Va. Code § 54.1-3935] under color of [their] authority," so to deprive undersign counsel of his right to federal unemployment compensation based conspiring to not undertake independent review so to regard as valid the VSBDB *void* order issued in violation of Va. Code § 54.1-3910, 3915 and 3935.

Count Five

I further state that this complaint is based on the following facts: SEE ATTACHED AFFIDAVIT

Dated: July 4, 2009

Signature: /S/

Isidoro Rodriguez, Esq.

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U.S. CONSTITUTIONAL PROVISIONS INVOLVED

First Amendment of the United States Constitution, states in relevant part that, "Congress shall make no law respecting. . . abridging the freedom of speech, . . . and to petition the Government for a redress of grievances."

Fifth Amendment of the United States Constitution, states in relevant part that, "No person shall . . . be deprived of life, liberty, or property, without due process of law; . . . ."

The Due Process Clause of Section 1 of the Fourteenth Amendment to the United States Constitution, states in relevant part that, "No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the law."

FEDERAL STATUTES VIOLATED

RULES ENABLING ACT--28 U.S.C. § 2072(a) The Supreme Court shall have the power to prescribe general rules of practice and procedure and rules of evidence for cases in the United States district courts (including proceedings before magistrate judges thereof) and the courts of appeal.

(b) Such rules shall not abridge, enlarge, or modify any

substantive right. . . .

Federal Rules of Appellate Procedure Rule 46(b) Suspension or Disbarment

(1) **Standard.** A member of the court's bar is subject to suspension or disbarment by the court if the member: (A) has been suspended or disbarred from the practice by any other court; or (B) is guilty of conduct unbecoming a member of the court's bar.

(2) Procedure. The member must be given an opportunity to show good cause, within the time prescribed by the court, why the member should not be suspended or disbarred.

(3) Order. The court must enter an appropriate order after the member responds and a hearing is held, if requested, or after the time prescribed for a response expires, if no response is made.

FEDERAL CRIMINAL STATUTES VIOLATED

18 U.S.C. § 4 - Misprision of felony. Whoever, having knowledge of the actual commission of a felony cognizable by a court of the United States, conceals and does not as soon as possible make known the same to some judge or other person in civil or military authority under the United States, shall be fined under this title or imprisoned not more than three years, or both.

18 U.S.C. § 241 - Conspiracy against rights, states in relevant part, "[i]f two or more persons conspire to injure, oppress, threaten, or intimidate any person in any State . . . in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or

because of his having so exercised the same; . . . They shall be fined under this title or imprisoned not more than ten years, or both . . . .

18 U.S.C. § 242 - **Deprivation of rights under color of law,** states in relevant part that, "[w]hoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any person in any State . . . to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States, . . ., shall be fined under this title or imprisoned not more than one year, or both .

18 U.S.C. § 1204 - **International parental kidnapping.**--(a) Whoever. . . retains a child (who has been in the United States) outside the United States with intent to obstruct the lawful exercise of parental rights shall be fined under this title or imprisoned not more than 3 years, or both.

18 U.S.C. § 1513. Retaliating against a witness, victim, or an informant, states in relevant part, "(e) Whoever knowingly, with the intent to retaliate, takes any action harmful to any person, including interference with the lawful employment or livelihood of any person, for providing to a law enforcement officer any truthful information relating to the commission or possible commission of any Federal offense, shall be fined under this title or imprisoned not more than 10 years, or both.

Crimes and Criminal Procedure Part I - Crimes Chapter 96 - Racketeer Influenced and Corrupt Organizations ("RICO") 18 U.S.C. § 1961 - Definitions.

As used in this chapter (1) "racketeering activity" means . . . .; (B)any act which is indictable under any of the following provisions of title 18, United States Code: . . ., section 1503 (relating to obstruction of justice), section 1510 (relating to obstruction of criminal investigations), section 1511 (relating to the obstruction of State or local law enforcement), section 1512 (relating to tampering with a witness, victim, or an informant), section 1513 (relating to retaliating against a witness, victim, or an informant), ...

(2) "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, any territory or possession of the United States, any political subdivision, or any department, agency, or instrumentality thereof;

(3) "person" includes any individual or entity capable of holding a legal or beneficial interest in property

(4) "enterprise" includes any individual, partnership, corporation, association, or other legal entity, and any union or group of individuals associated in fact although not a legal entity;

(5) "pattern of racketeering activity" requires at least two acts of racketeering activity, one of which occurred after the effective date of this chapter and the last of which occurred within ten years (excluding any period of imprisonment) after the commission of a prior act of racketeering activity; . . . .

18 U.S.C. § 1962. Prohibited activities. (a) It shall be unlawful for any person who has received any income derived, directly or indirectly, from a pattern of racketeering activity or through collection of an unlawful debt in which such person has participated as a principal

within the meaning of section 2, title 18, United States Code, to use or invest, directly or indirectly, any part of such income, or the proceeds of such income, in acquisition of any interest in, or the establishment or operation of, any enterprise which is engaged in, or the activities of which affect, interstate or foreign commerce. A purchase of securities on the open market for purposes of investment, and without the intention of controlling or participating in the control of the issuer, or of assisting another to do so, shall not be unlawful under this subsection if the securities of the issuer held by the purchaser, the members of his immediate family, and his or their accomplices in any pattern or racketeering activity or the collection of an unlawful debt after such purchase do not amount in the aggregate to one percent of the outstanding securities of any one class, and do not confer, either in law or in fact, the power to elect one or more directors of the issuer.

(b) It shall be unlawful for any person through a pattern of racketeering activity or through collection of an unlawful debt to acquire or maintain, directly or indirectly, any interest in or control of any enterprise which is engaged in, or the activities of which affect, interstate or foreign commerce.

(c) It shall be unlawful for any person employed by or associated with any enterprise engaged in, or the activities of which affect, interstate or foreign commerce, to conduct or participate, directly or indirectly, in the conduct of such enterprise's affairs through a pattern of racketeering activity or collection of unlawful debt.

(d) It shall be unlawful for any person to conspire to violate any of the provisions of subsection (a), (b), or (c)

of this section.

18 U.S.C. §3771. Crime victims' rights

(a) Rights of Crime Victims.— A crime victim has the following rights:

(1) The right to be reasonably protected from the accused. . . . .

(5) The reasonable right to confer with the attorney for the Government in the case.

(6) The right to full and timely restitution as provided in law.

(7) The right to proceedings free from unreasonable delay.

(8) The right to be treated with fairness and with respect for the victim's dignity and privacy.

(d) **Enforcement and Limitations.**—

(1) Rights.— The crime victim or the crime victim's lawful representative, and the attorney for the Government may assert the rights described in subsection (a). A person accused of the crime may not obtain any form of relief under this chapter. . . .

(3) Motion for relief and writ of mandamus.— The rights described in subsection (a) shall be asserted in the district court in which . . . the crime occurred. The district court shall take up and decide any motion asserting a victim's right forthwith. If the district court denies the relief sought, the movant may petition the court of appeals for a writ of mandamus. The court of appeals may issue the writ on the order of a single judge pursuant to circuit rule or the Federal Rules of Appellate Procedure. The court of appeals shall take up and decide such application forthwith within 72 hours after the petition has been filed. In no event shall

proceedings be stayed or subject to a continuance of more than five days for purposes of enforcing this chapter. If the court of appeals denies the relief sought, the reasons for the denial shall be clearly stated on the record in a written opinion.

CONSTITUTION OF VIRGINIA INVOLVED

Article I, § 11. Due Process of Law; . . . ; provides, [t]hat no person shall be deprived of his . . . property without due process of law; . . . .

Article I, § 12. Freedom of Speech and the press; right to peaceably assemble, and to petition.
That the freedom of speech and of the press are among the great bulwarks of liberty, and can never be restrained except by despotic governments; that any citizen may freely speak, write, and publish his sentiments on all subjects, being responsible for the abuse of that right; that the General Assembly shall not pass any law abridging the freedom of speech or of the press, nor the right of the people to peaceably to assemble, and to petition the government for the redress of grievances.

Article VI, § 1. Judicial power; jurisdiction. — The judicial power of the Commonwealth shall be vested in a Supreme Court and in such other courts of original or appellate jurisdiction subordinate to the Supreme Court as the General Assembly may . . . establish. (Emphasis added).

Article VI, § 5. Rules of practice and procedure. — The

Supreme Court shall have the authority to make rules governing the course of appeals and the practice and procedures to be used in the courts of the Commonwealth, **but such rules shall not be in conflict with the general law as the same shall, from time to time, be established by the General Assembly.**(Emphasis added)

Article VI, § 7. Selection . . of judges. The justice of the Supreme Court of shall be chosen by vote of thc . . . General Assembly. . . . **The judge of all other courts of record shall be chosen by the . . . General Assembly** . . . . (Emphasis added).

VIRGINIA CRIMINAL STATUTES VIOLATED

Va. Code § 18.2-481. Treason defined; how proved and punished. — Treason shall consist only in: . . . .(5) Resisting the execution of the laws under color of its authority. Such treason, if proved by the testimony of two witnesses to the same overt act, or by confession in court, shall be punishable as a Class 2 felony.

Va. Code18.2-482. Misprision of treason., states that, "[i]f any person knowing of such treason shall not, as soon as may be, give information thereof to the Governor, or some conserva·tor of the peace, he shall be guilty of a Class 6 felony.

Virginia Code § 18.2-499. Combination to injure others in their reputation, trade, business or profession: right of employees

(a) Any two or more persons who shall combine, associate, agree, mutually undertake or concert

together for the purpose of wilfully and maliciously injuring another in his reputation, trade, business or profession by any means whatever, or for the purpose of wilfully and maliciously compelling another to do or perform any act against his will, or preventing or hindering another form doing or performing any lawful act, shall be jointly and severally guilty of a Class 3 misdemeanor. . . .

VIRGINIA CIVIL CODE INVOLVED

Va. Code § 54.1-3910. Organization and government of Virginia State Bar. --The Supreme Court may promulgate rules and regulations organizing and governing the Virginia State Bar. The Virginia State Bar shall act as an administrative agency of the Court for the purpose of investigating and reporting violations of rules and regulations adopted by the Court under this article. . . .

Va. Code § 54.1-3915. Restrictions as to rules and regulations.---Not withstanding the foregoing provisions of this article, the Supreme Court shall not promulgate rules or regulations prescribing a code of ethics governing the professional conduct of attorneys which are inconsistent with any statute; . . . .

Va. Code § 54.1-3935. Procedure for revocation of license.

A. If the Supreme Court, the Court of Appeals, or any circuit court of this Commonwealth observes, or if a complaint, verified by affidavit is made by any person to such court, that any attorney has . . . violated

the Virginia Code of Professional Responsibility, the court may assign the matter to the Virginia State Bar for investigation. Upon receipt of the report of the Virginia State Bar, the court may issue a rule against such attorney to show cause why his license to practice law shall not be revoked. If the complaint, verified by affidavit, is made by a district committee of the Virginia State Bar, the court shall issue a rule against the attorney to show cause why his license to practice law shall not be revoked.

B. If the rule [to show cause] is issued by the Supreme Court . . . the rule shall be returnable to the Circuit Court of the City of Richmond. At the time the rule is issued by the Supreme Court, the Chief Justice shall designate three circuit court judges to hear and decide the case. . . . In proceedings under this section, the court shall adopt the Rules and Procedures described in Part Six, Section IV, Paragraph 13 of the Rules of Court.

C. Bar Counsel of the Virginia State Bar shall prosecute the case. . . .

D. Upon the hearing, if the attorney is found guilty by the court, his license to practice law in this Commonwealth shall be revoked . . . . . (Emphasis added)